



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,262	01/30/2004	Robert P. Cummins	P31.12-0032	5951

27367 7590 09/08/2005

WESTMAN CHAMPLIN & KELLY, P.A.
SUITE 1600 - INTERNATIONAL CENTRE
900 SECOND AVENUE SOUTH
MINNEAPOLIS, MN 55402-3319

EXAMINER

SELLS, JAMES D

ART UNIT	PAPER NUMBER
----------	--------------

1734

DATE MAILED: 09/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/768,262

Applicant(s)

CUMMINS ET AL.

Examiner

James Sells

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 August 2005.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 1-11 is/are allowed.
6) ☒ Claim(s) 12-14 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hagstrom (US Patent 6,148,722) in view of Kuta (US Patent 6,808,581).

Hagstrom discloses a CD thermal transfer printer. As shown in the figures, a CD 14 is positioned in carrier tray 17. The CD and tray are fed through a first pair of pinch rollers 16, past print head 12 and through a second pair of pinch rollers 16. These pinch rollers are shown mounted on shafts which extend across the width of the tray and which are mounted to portions 20 of the frame or chassis. Print head 12 transfers a resin or resin composite from web 13 onto the CD and thus functions as a laminator in the manner claimed by the applicant.

However, Hagstrom does not disclose the roller sensor as claimed by the applicant. Regarding this difference, the applicant is directed to the reference of Kuta.

Kuta discloses a method and apparatus for applying tape to a roll of sheet material. The system includes a roll sensor 44, which is connected to a programmable

Art Unit: 1734

controller (not shown) and provides a signal thereto upon contacting an outer surface of roll 22 during use.

It would have been obvious to one having ordinary skill in the art to employ a roller sensor, as taught by Kuta, in the apparatus of Hagstrom in order to more precisely control lamination of the CDs.

Allowable Subject Matter

4. Claims 1-11 are allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 1, in a processor system for processing an object supported on a tray, the prior art does not teach or make obvious the concept of a rotatable roller positioned a selected distance spaced above an upper surface of the tray such that the roller clears a properly positioned object on the tray and the selected distance positioning the roller to be intercepted by an object on the tray at a position other than the proper position and rotated as the tray moves to the processing station in the manner claimed by the applicant.

Response to Arguments

6. Applicant's arguments filed August 17, 2005 have been fully considered but they are not persuasive.

Art Unit: 1734

Applicant argues the present claims define a roller in the processor system that will not engage a properly seated disc, but when a disc is not in its proper position, the roller will be moved so that a signal is provided indicating that the disc is not properly seated. The examiner believes this is true for claim 1 and thus claim 1 is patentable over the prior art. However, the examiner does not believe this is true for claim 12. Claim 12 merely defines a sensing roller that engages a workpiece which is more than a selected distance above the conveyor. There is nothing defining what that selected may be or what it relates to. Also, there is nothing in the claim to define that the roller will not engage a properly seated disc, but will engage a disc that is not properly seated. Therefore regarding claim 12, applicant's argument is believed to be incorrect.

Telephone/Fax

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to James Sells whose telephone number is (571) 272-1237. The examiner can normally be reached on Monday-Friday between 9:30 AM and 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached at (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

A handwritten signature in black ink, appearing to read 'J Sells', with a horizontal line drawn underneath it.

**JAMES SELLS
PRIMARY EXAMINER
TECH. CENTER 1700**